

Arkansas Notary Public Handbook



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Secretary of State

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A notary public acts as an official and unbiased witness to the identity of a person who comes before the notary. This person may be taking an oath, giving oral or written testimony, or acknowledging his/her signature on a legal document.

The key here is identity. The notary must be certain that the person appearing before him/her is who that person claims to be at that time.

A notary public cannot notarize his/her own signature.

A notary is empowered by law to perform certain notarial acts. Each notarial act has legal significance and affects the legal rights of others.

Appointment/Commission/Change in Personal Information

Qualification:

Under Arkansas law, a notary public is appointed and commissioned by the Secretary of State. Each applicant must complete an application stating:

- 1. The applicant is a legal resident of Arkansas, or a legal resident of an adjoining state and employed in Arkansas.*
- 2. The applicant is a United States citizen or a permanent resident alien. (Include a copy of a recorded Declaration of Domicile.)*
- 3. The applicant is at least eighteen (18) years old.*
- 4. The applicant is able to read and write English.*
- 5. A prior notary commission has not been revoked in the past ten (10) years.*
- 6. The applicant's residential address, or if the applicant lives in an adjoining state but works in Arkansas, the business and residential addresses.*

Commission:

Applications for appointment as a notary public are available from the office of the Secretary of State. The application

MUST list his/her name exactly as it is to appear on each document notarized. The applicant **MUST** inform the Secretary of State's Office of any name change during the commission within thirty (30) days of the change (1) by certified court order or (2) by certified copy of marriage license.

The applicant's signature must be witnessed by a notary public. The applicant's commission is to be in the county of residence and is valid in every county in the state of Arkansas. The date of commission, no more than thirty (30) days prior, should be included. The completed application should be sent to the Secretary of State with a fee of \$20.00, along with a copy of the \$7,500 surety bond the applicant must purchase from any bonding company.

The applicant will be mailed his/her original and two copies of the Notary Public Certificate/Notary Public Oath form. One copy of the Certificate/Oath form as well as a surety bond or surety contract, must be filed with the Circuit Clerk in the county of commission. The applicant will retain the original of the Certificate/Oath form after the clerk signs it, and either the applicant or the clerk will return a copy of the completed certificate/oath form to the Secretary of State.

Bond:

A Surety Bond in the amount of \$7,500 is required. The notary shall purchase either a surety bond executed by a surety insurer authorized to do business in the state of Arkansas **or** a surety contract from a general business Arkansas corporation which has registered with the Arkansas Insurance Department and otherwise complied with all requirements under Arkansas law.

A copy of the Notary Bond (**not** the original) must be forwarded to the Secretary of State's Office with the application. The original of the bond will be filed with the Circuit Clerk of the county of commission.

Oath:

The County or Circuit Clerk will require the notary to file the bond, the Certificate/Oath form, and pay the required filing fee. Upon filing these documents with the Circuit Clerk, a duplicate copy of the Certificate/Oath must be returned to the Arkansas Secretary of State, Business Services Division, State Capitol, Little Rock, AR, 72201 **no later than thirty (30) days** from the date the commission was authorized. If returning the Certificate/Oath in person, the physical address is 1401 West Capitol, Suite 250 (Victory Building), Little Rock. Once the Certificate/Oath is returned to the Secretary of State, the notary's card will be issued.

Renewal and Transfer

A notary's commission is for a term of ten (10) years, and may be renewed by filing a new application with the Secretary of State's Office. The application for renewal and a copy of the Notary Bond must be sent to the Secretary of State 30 days before the expiration of the current commission.

If a notary changes his/her place of residence, (or, if a resident of an adjoining state his/her place of employment), to a county within Arkansas other than the county wherein such notary was commissioned, the Secretary of State must be notified of such change in writing. Upon receiving this notification, the Secretary of State shall transfer the notary's commission to the new county of residence or employment.

The bond filed in the original county of residency or employment must also be filed in the new county of residency or employment. Either the notary or the clerk will transfer the bond. Check with the clerk to see if he/she is sending the bond or if it is the duty of the notary, as it differs from county to county.

Powers and Duties

Under Arkansas law, a notary has the power to perform these basic notarial acts:

1. *Administering oaths in all matters pertaining to notarial office.*
2. *Taking acknowledgments.*
3. *Certifying affidavits.*
4. *Certifying depositions.*
5. *Supervise photocopying most original documents and attest documents' validity.*

A notary's jurisdiction extends to any part of the state of Arkansas during his/her ten-year term.

NOTE: The notary's greatest responsibility is to be certain of the identity of each person whose signature he/she will notarize. A good guide is to require some form of proper identification unless the notary is personally acquainted with the person whose signature is to be notarized. Although not required by law, the notary should keep a notary register.

Notarial Acts

Acknowledgments:

An acknowledgment is a formal statement by a person that a document is his/her own act. The act of the notary who takes an acknowledgment is called a "certificate of acknowledgment." The notary should attach to every certificate of acknowledgment a statement of the date on which his/her commission expires.

Suggested Form:

County of _____

State of Arkansas

Acknowledged before me, this _____ day of _____

_____, _____.

Notary Public

My commission expires: _____

Oaths:

An oath is a formal statement by which a person appearing before a notary swears (or affirms):

1. That the statement or group of statements is the truth; or
2. That the testimony he/she will give will be the truth; or
3. That he/she will faithfully perform the duties of a public office.

Affidavits:

An affidavit is simply a form of written oath to which some person (the "Affiant") makes oath. It must clearly state the name of the person swearing (or affirming) that the statements are true and complete.

Suggested Form:

I, _____ (Name of Affiant)
being duly sworn, depose and say as follows:

1. Statements

(Signature of Affiant)

County of _____

State of Arkansas

Acknowledged before me, this _____ day of _____

_____, _____.

Notary Public

My commission expires: _____

Depositions:

A deposition is a form of oral testimony, reduced to writing for use in legal proceedings. A notary has two functions in connection with depositions. First, the notary may be asked to take the witness' oath to tell the truth. Second, after the deposition has been reduced to writing, the notary may be asked to certify that the written transcript is a complete and accurate record of what was said at the deposition.

Suggested Form:

I, _____ (Name of Witness),
do hereby certify that the foregoing contains a full, complete and
accurate transcript of the testimony given at my deposition
taken the _____

day of _____, _____.

Notary Public

My commission expires: _____

Seal:

Each notary public must have a seal of office, which can be either a rubber stamp or a metal embosser. The seal must include his/her name as written in his/her official signature, the name of the county where his/her bond is filed and the words “notary public” and “Arkansas” and the date of expiration of the notary’s commission. The seal must be clear and legible, and capable of photographic reproduction. When using an embosser, it is advisable to use an ink pad or carbon over the seal so that it can be photocopied. **Do not purchase a notary seal showing the Great Seal of Arkansas or an outline of the State of Arkansas or you will be required to purchase another.**

At the time of notarization, the notary public must sign his/her official signature on every notary certificate and affix his/her seal under or near his/her signature. The notary may use a **facsimile** signature and seal, such as a stamp or engraved reproduction, in lieu of the manual signature and rubber or embossed seal on commercial documents, except deeds or other documents for conveying real estate. If a facsimile signature or seal is to be used, the notary must first file with the Secretary of State his or her manual signature, a description of the type of commercial documents to be notarized, and the name, manual signature, and written consent of any other persons signing the commercial documents.

Notary Register:

The law does not require a notary to keep any record of his/her official acts, but it is recommended to do so.

A register will offer an excellent way of recalling past notarial acts. If a notary is called upon to testify in court, a register may help establish what actually took place.

Suggested Format:

1. Date of Notarial Act.
2. Type of act performed.
3. Type of document involved.

4. Name and address of each person whose signature was notarized.
5. Signature of each person whose signature was notarized.
6. A “notes” section of personal annotations.

Notarial Acts for a Corporation:

A notary who is a party to an instrument, either individually or as a representative of a corporation which is a party to the instrument, may **NOT** perform any notarial acts concerning that instrument, for such action would be unlawful. It is permissible, however, for a corporate employee to notarize documents to which the corporate employer is a party, as long as said notary is not a party, either individually or as a representative of the corporate party.

Penalty/Revocation:

A notary public violating Arkansas law in respect to witnessing signatures shall be guilty of a Class A misdemeanor. In addition, his/her commission shall be revoked and he/she cannot be recommissioned. A notary violating Arkansas law as to fees charged shall also be guilty of a misdemeanor.

The Secretary of State has been given the power to investigate complaints by the general public against notaries. Any complaint about a notary must be made in writing to the Secretary of State. The Secretary of State's Legal Department will investigate all complaints.

Expiration/Resignation:

A notary who wishes to resign prior to the expiration of his/her term for any reason shall send a letter to the Secretary of State, enclosing his or her commission. He or she shall then destroy his or her seal.

Fees:

Arkansas Law provides a fee schedule for the following acts:	
For protest and record of same	\$5.00
For each notice of protest	\$5.00
For each certificate and seal	\$5.00

NOTARY PROCESSING INSTRUCTIONS

In order to prevent delay in processing your Notary Application, please follow the steps below:

STEP 1: Obtain a \$7,500 Surety Bond from a bonding company. If you don't know of one, contact your Insurance Agent; he/she may be able to assist you. However, several companies will contact you. You may purchase your bond from the company of your choice.

STEP 2: Complete the enclosed Notary Public Application; be sure to have your signature notarized. Return to the Secretary of State's office a **COPY** of your Surety Bond (not the application for the Surety Bond or the original Surety Bond), along with your check or money order in the amount of \$20.00, made payable to the Secretary of State and your completed and notarized application.

STEP 3: After your application has been received and processed by the Secretary of State's office, we will send to you a **Notary Public Certificate/Notary Public Oath** form containing the Oath of office. **DO NOT** complete the Oath of Office until you take it, along with your **ORIGINAL BOND**, to the Circuit Clerk of your resident county. Remember, you are commissioned in your County of residence, but you are able to notarize throughout the State of Arkansas. Once your Surety Bond and your Oath of Office have been filed with the Circuit Clerk, you must return to the Secretary of State's office a copy of your filed Notary Public Certificate/Notary Public Oath form. Make sure you keep the original of the Certificate/Oath form for your records. Your notary wallet card will then be issued.

FILING TIME: You have 30 days from the date of your commission to file with the Secretary of State and the Circuit Clerk. Your commission date is located in the body of your Surety Bond.

IF YOU HAVE ANY QUESTIONS, CONTACT THE SECRETARY OF STATE, BUSINESS SERVICES DIVISION AT 501-682-3409 OR 888-233-0325 TOLL FREE.

Mail applications to:

Secretary of State
Business Services Division
State Capitol
Little Rock, Arkansas 72201-1094

Physical Address:

Victory Building
1401 West Capitol Ave.
Suite 250
Little Rock, Arkansas 72201

Phone: (501) 682-3409 Toll Free: (888) 233-0325 www.arkansas.gov/sos